UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR CONSTITUTIONAL RIGHTS, TINA M. FOSTER, GITANJALI S. GUTIERREZ, SEEMA AHMAD, MARIA LAHOOD, RACHEL MEEROPOL, Plaintiffs, v. GEORGE W. BUSH, President of the United States; NATIONAL SECURITY AGENCY, LTG Keith B. Alexander, Director; DEFENSE INTELLIGENCE AGENCY, LTG Michael D. Maples, Director; CENTRAL INTELLIGENCE AGENCY, Michael V. Hayden, Director; DEPARTMENT OF HOMELAND SECURITY, Michael Chertoff, Secretary; FEDERAL BUREAU OF INVESTIGATION, Robert S. Mueller III, Director; JOHN D. NEGROPONTE, Director of National Intelligence, Defendants.	Case No. 06-cv-313 Judge Gerard E. Lynch Magistrate Judge Kevin N. Fox **AFFIRMATION OF MARIA LAHOOD**

I, Maria LaHood, an attorney admitted to practice before this Court, and the Courts of the State of New York, hereby affirm under penalty of perjury as follows:

1. I represent Maher Arar, a Canadian citizen, in *Arar v. Ashcroft*, 04-CV-0249 (DGT) (E.D.N.Y.), against U.S. officials responsible for sending him to Syria where he was tortured and arbitrarily detained. In 1992, Mr. Arar was determined to be a member of Al Qaeda by the then-United States Immigration and Naturalization Service. The U.S. Government has not backed down from that position. Mr. Arar is currently prohibited from entering the United States.

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2. As Mr. Arar's attorney, I need to communicate with him about everything from mundane matters to key facts and tactical strategies and decisions in his case. I regularly consult him regarding our litigation strategy, and am ethically obligated to promptly apprise him of any significant developments. Telephone and email are obviously the easiest and most efficient means of communicating with Mr. Arar.

3. Since I became aware of the NSA surveillance program, I have become extremely cautious regarding what I should say to Mr. Arar over the phone or by email. I am constantly monitoring myself during conversations with him, and weighing what must be urgently communicated electronically that cannot wait until we are able to meet.

4. Although I cannot be sure that our communications are not intercepted under FISA, I am much more concerned knowing that surveillance under the NSA program is not subject to any judicially enforced restrictions or judicial review.

5. There are a number of issues which I feel I cannot safely discuss with Mr. Arar over the phone. Instead, these conversations have been deferred until we can meet in person or another safe means of communication can be found. Although I have been planning to fly to Canada to meet with him in person to discuss these matters, this has been impossible to date due to my work schedule. The travel and accommodation expenses of any visit to Canada will be borne by the Center.

6. There are important matters which I urgently need to discuss with Mr. Arar but have been unable to in the wake of the Program. These include everything from questions about facts relating to his claims to tactical discussions about litigation strategy which either require his input before a decision can be made, or which have been made by us as his attorneys but should

be communicated to him promptly to fulfill our professional responsibilities to keep him informed of the progress and course of his case.

7. There are also matters I would like to discuss with the Canadian attorneys representing Mr. Arar. I have communicated with these attorneys by email and by phone, but since I became aware of the NSA Surveillance Program, I have had to warn them that conversations may be subject to surveillance by the United States government.

8. I have discussed finding alternate methods of electronic communication that might avoid surveillance, but have not yet been able to implement any means that would permit secure electronic communications.

9. I have received a copy of the memorandum dated February 11, 2006 from CCR's legal director William Goodman described in ¶ 16 of his March 9, 2006 Affirmation. I have taken measures to comply with the requirements of the memo. For instance, I have reviewed email communications and taken steps to assemble phone records to assess the sensitivity of communications prior to becoming aware of the NSA Program. I also now more carefully keep records of communications with Mr. Arar and his Canadian attorneys to better enable such analysis.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Maria LaHood, Esq.

Dated: June 29, 2006